

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMY ANSTEAD, M.D., an individual,

Plaintiff,

v.

VIRGINIA MASON MEDICAL CENTER,
a Washington nonprofit corporation, and
VIRGINIA MASON FRANCISCAN
HEALTH, a Washington nonprofit
corporation,

Defendants.

No.

COMPLAINT FOR DAMAGES

JURY DEMAND

I. PARTIES, JURISDICTION AND VENUE

1.1. Plaintiff Amy Anstead, M.D. (“Dr. Anstead”) is a female physician who resides in Seattle, King County, Washington.

1.2. Defendant Virginia Mason Medical Center is a Washington nonprofit corporation which operates in Seattle, King County, Washington.

1.3. Defendant Virginia Mason Franciscan Health (“VMFH”) is a Washington nonprofit corporation which has two corporate members: CommonSpirit Health, a Colorado nonprofit corporation (“CSH”) and Virginia Mason Health System (“VMHS”). During the

1 relevant period, VMHS has been the sole voting member of Defendant Virginia Mason
2 Medical Center, and therefore controls Virginia Mason Medical Center. Accordingly,
3 Defendant VMFH controls aspects of Defendant Virginia Mason Medical Center.

4 1.4. Some of Dr. Anstead's claims arise under the laws of the United States. This
5 Court has original jurisdiction over those claims under 28 U.S.C. §§ 1331 and 1343.
6

7 1.5. Dr. Anstead's other claims arise under Washington state law. This Court has
8 supplemental jurisdiction over those claims under 28 U.S.C. § 1367.

9 1.6. At all relevant times, Defendants Virginia Mason Medical Center and VMFH
10 (collectively, "Defendants") were continuously doing business in the Western District of
11 Washington, were in an industry affecting commerce, and had the requisite number of
12 employees under chapters 49.60 RCW, 42 U.S.C. § 2000e *et seq.*, 42 U.S.C. § 12101 *et seq.*,
13 and 29 U.S.C. § 2601 *et seq.*
14

15 1.7. Dr. Anstead timely obtained a right sue to from the EEOC in compliance with
16 42 U.S.C. § 2000e-5(f)(1).

17 1.8. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b).

18 II. FACTS

19 2.1. Defendant Virginia Mason Medical Center ("Virginia Mason") hired Plaintiff
20 Amy Anstead, M.D. ("Dr. Anstead") on October 1, 2010 to work as an otolaryngologist in its
21 Department of Surgery.
22

23 2.2. Virginia Mason operates a hospital as well as nine other clinics and hospitals in
24 King County and greater Washington.

25 2.3. Virginia Mason employs more than 5,500 people, over 500 of whom are
26 physicians.

1 2.4. Dr. Anstead cared about her patients and provided them excellent care, unique
2 to her specialty.

3 2.5. Throughout her employment, Dr. Anstead performed her job well.

4 2.6. Despite this, Virginia Mason subjected Dr. Anstead to disparate and worse
5 terms of employment compared to male physicians.
6

7 2.7. Virginia Mason under-supported Dr. Anstead and systematically imposed
8 barriers to her medical practice and professional opportunities based on her gender.

9 2.8. One of several examples of this was that Virginia Mason provided Dr. Anstead
10 and other female physicians with fewer physician assistants, nursing and other resources than
11 comparable male physicians. This caused negative financial consequences for Dr. Anstead. It
12 also caused her to have to perform a greater amount of work per patient treated that is typically
13 performed by professional staff supporting medical providers than comparable male
14 physicians. This also deprived Dr. Anstead and other female physicians of equal employment
15 opportunities compared to their male counterparts.
16

17 2.9. Although Virginia Mason initially provided Dr. Anstead with leave under the
18 Family and Medical Leave Act (“FMLA”) to care for her child, Virginia Mason interfered with
19 Dr. Anstead’s rights and retaliated against her for taking this leave and a leave for her own
20 medical condition.
21

22 2.10. In addition, when Dr. Anstead needed accommodation for her own disability,
23 Virginia Mason failed to engage in good faith in the interactive process of accommodation,
24 denied the reasonable accommodations that Dr. Anstead requested with the support of her
25 medical team, and retaliated against her.
26

1 2.11. At one point, although Dr. Anstead had returned to work and successfully
2 operated on a patient, Virginia Mason forced Dr. Anstead to stop operating or providing any
3 treatment to patients and to take an extended leave.

4 2.12. Virginia Mason forced Dr. Anstead to stop treating patients entirely, and leave
5 her employment, rather than allowing Dr. Anstead to simply return to working on the schedule
6 she had worked before she had taken FMLA leave.

7 2.13. In addition, in response to Dr. Anstead's disclosure of her own medical
8 condition, Virginia Mason imposed requirements for Dr. Anstead's return to work which it did
9 not impose on similarly situated male physicians.

10 2.14. In March 2020, in addition to continuing to oppose Virginia Mason's
11 discrimination against her on the basis of her disability, Dr. Anstead raised concerns with
12 Virginia Mason's leadership that female physicians were not provided adequate resources as
13 compared to their male counterparts, which negatively affected their employment
14 opportunities.

15 2.15. Virginia Mason responded to Dr. Anstead's legally protected opposition to
16 discriminatory practices by retaliatorily terminating Dr. Anstead's employment.

17 2.16. Virginia Mason's discharge of Dr. Anstead from her employment caused her
18 economic and non-economic damages.

19 2.17. Virginia Mason's discriminatory and retaliatory treatment of Dr. Anstead
20 during her employment also caused her to suffer loss of opportunity for advancement,
21 economic, and non-economic damages.

III. CLAIMS

A. FIRST AND SECOND CAUSES OF ACTION—INTERFERENCE WITH PLAINTIFF’S RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT AND RETALIATION AGAINST PLAINTIFF IN VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT

3.1. Plaintiff realleges the above allegations in paragraphs 1.1. through 2.17 as though fully stated here.

3.2. Plaintiff engaged in the legally protected activity of exercising her rights to leave under the Family and Medical Leave Act.

3.3. Defendants unlawfully interfered with Plaintiff’s rights under the Family and Medical Leave Act, as prohibited by 29 U.S.C. § 2615(a)(1), including by failing to reinstate Plaintiff to a substantially equivalent position to that which she had prior to taking FMLA leave.

3.4. Defendants unlawfully retaliated against Plaintiff in violation of 29 U.S.C. § 2615(a)(2) by taking adverse actions against Plaintiff, including terminating her employment.

3.5. As a direct and proximate result of the foregoing, Plaintiff has suffered and continues to suffer loss of compensation and benefits, emotional distress, anxiety, humiliation and embarrassment, each in amounts to be proven at trial.

B. THIRD AND FOURTH CAUSES OF ACTION—DISABILITY DISCRIMINATION AND FAILURE TO ACCOMMODATE IN VIOLATION OF THE WASHINGTON LAW AGAINST DISCRIMINATION AND AMERICANS WITH DISABILITIES ACT AS AMENDED

1 3.6. Plaintiff realleges the above allegations in paragraphs 1.1. through 2.17 as
2 though fully stated here.

3 3.7. Plaintiff is a qualified person with a disability under the Washington Law
4 Against Discrimination (“WLAD”) and the Americans with Disabilities Act as Amended
5 (“ADAAA”), 42 U.S.C. § 12101, *et seq.*
6

7 3.8. Plaintiff gave Defendants notice of her disability and repeatedly asked
8 Defendants to accommodate her by returning her to work at the end of her medical leave, with
9 reasonable accommodations.

10 3.9. Defendants failed in violation of the ADAAA and WLAD to engage in good
11 faith in the interactive process of accommodation and reasonably accommodate her, although
12 Plaintiff’s requested accommodations did not pose an undue hardship or burden on Defendants.
13

14 3.10. Defendants also violated the ADAAA and WLAD when they discriminated
15 against Plaintiff on the basis of her disability by discharging her from her employment and
16 otherwise improperly limiting her employment opportunities based on discriminatory
17 motivations, including exaggerated fears and discomfort about Plaintiff’s disability and
18 unfounded assumptions about how Plaintiff’s disability would impact her work performance.

19 3.11. Defendants terminated Plaintiff’s employment with reckless indifference to
20 Plaintiff’s rights under the ADAAA.
21

22 3.12. As a direct and proximate result of the foregoing, Plaintiff has suffered and
23 continues to suffer loss of compensation and benefits, lost future earnings, emotional distress,
24 anxiety, humiliation, and embarrassment, each in amounts to be proven at trial.

25 **C. FIFTH AND SIXTH CAUSES OF ACTION—SEX DISCRIMINATION**
26 **IN VIOLATION OF THE WLAD AND TITLE VII**

1 3.13. Plaintiff realleges above allegations in paragraphs 1.1. through 2.17 as though
2 fully stated here.

3 3.14. Defendants violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §
4 2000e *et seq.* (“Title VII”) and the WLAD when they discriminated against Plaintiff on the
5 basis of her sex by discharging her from her employment and otherwise improperly limiting
6 her employment opportunities based on gender stereotypes, bias, and unfounded assumptions
7 about Plaintiff based on her sex.

8 3.15. Defendants terminated Plaintiff’s employment with reckless indifference to
9 Plaintiff’s rights under Title VII.

10 3.16. As a direct and proximate result of the foregoing, Plaintiff has suffered and
11 continues to suffer loss of compensation and benefits, lost future earnings, emotional distress,
12 anxiety, humiliation, and embarrassment, each in amounts to be proven at trial.

13 **D. SEVENTH, EIGHTH, AND NINTH CAUSES OF ACTION—**
14 **RETALIATION IN VIOLATION OF THE WLAD, ADA, AND TITLE VII**

15 3.17. Plaintiff realleges the above allegations in paragraphs 1.1. through 2.17 as
16 though fully stated here.

17 3.18. Defendants violated the WLAD, ADA, and Title VII when they retaliated
18 against Plaintiff for her opposition to gender discrimination, disability discrimination and for
19 her request for accommodation by terminating her employment and taking other adverse
20 actions against her.

21 3.19. Defendants terminated Plaintiff’s employment with reckless indifference to
22 Plaintiff’s rights under the ADA and Title VII.

1 3.20. As a direct and proximate result of the foregoing, Plaintiff has suffered and
2 continues to suffer loss of compensation and benefits, emotional distress, anxiety, humiliation,
3 and embarrassment, each in amounts to be proven at trial.

4 **E. TENTH CAUSE OF ACTION—DISCRIMINATION IN VIOLATION**
5 **OF WASHINGTON’S EQUAL PAY AND OPPORTUNITIES ACT**
6

7 3.21. Plaintiff realleges the above allegations in paragraphs 1.1. through 2.17 as
8 though fully stated here.

9 3.22. Defendants subjected Plaintiff to employment discrimination and limited
10 Plaintiff’s career advancement and wage-earning potential due to her gender in violation of
11 RCW 49.58.020.

12 3.23. As a direct and proximate result of the foregoing, Plaintiff has suffered a loss
13 of compensation and benefits, in amounts to be proven at trial.

14 **F. ELEVENTH CAUSE OF ACTION—RETALIATION IN VIOLATION**
15 **OF WASHINGTON’S EQUAL PAY AND OPPORTUNITIES ACT**
16

17 3.24. Plaintiff realleges the above allegations in paragraphs 1.1. through 2.17 as
18 though fully stated here.

19 3.25. Defendants retaliated against Plaintiff in violation of RCW 49.58.040 for her
20 protected activities relating to discussion of gender-based wage and opportunity disparities,
21 inquiries to Defendants about the basis for the disparities and lack of opportunity for
22 advancement, and opposition to gender-based pay and opportunity disparities in violation of
23 RCW 49.58.020.
24
25
26

3.26. As a direct and proximate result of the foregoing, Plaintiff has suffered and continues to suffer loss of compensation and benefits, emotional distress, anxiety, humiliation, and embarrassment, each in amounts to be proven at trial.

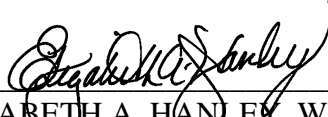
IV. PRAYER FOR RELIEF

4.1. Plaintiff prays for judgment and relief against Defendants as follows:

- a. Damages for lost compensation and benefits in an amount to be proved at trial;
- b. Damages for emotional distress, anxiety, humiliation, and embarrassment in amounts to be proved at trial;
- c. Liquidated or exemplary damages, in an amount to be proved at trial;
- d. Punitive damages in an amount to be proved at trial;
- e. Statutory damages under RCW 49.58.070;
- f. Reasonable attorneys' fees, expenses, and costs;
- g. Pre-and post-judgment interest to the maximum rate allowed by law;
- h. Increased payment to make up for any adverse tax consequences of any award to Dr. Anstead;
- i. Other relief to the furthest extent the Court determines is just and proper.

DATED this 2nd day of April, 2021.

SCHROETER GOLDMARK & BENDER

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